

ORDINANCE NO. 09-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST DELETING CHAPTER XIII OF THE RIDGECREST MUNICIPAL CODE ("CODE") AND AMENDING THE CODE AS IT RELATES TO CHAPTER XIII, SECTIONS 13-1 TO 13-6.3 COMMUNITY WIDE UNIVERSAL (MANDATORY) CURBSIDE SOLID WASTE AND RECYCLING SERVICE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIDGECREST THAT CHAPTER XIII IS DELETED AND AMENDED TO READ AS FOLLOWS:

**"CHAPTER XIII  
SANITATION SOLID WASTE, YARD WASTE AND HOUSEHOLD HAZARDOUS  
WASTE MANAGEMENT**

**13-1 Purpose and Scope.** The provisions of this chapter are adopted to preserve, protect and promote the health, safety and welfare of the public with respect to sanitation and provide a community wide universal (mandatory) curbside solid waste & recycling residential service and on site commercial recycling service.

**13-1.2 Definitions.** For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Authorized private containers" means a waste or recycling storage and collection receptacle.

"Administrative Authority" shall mean the City Manager and his duly authorized representatives.

"Bulky waste" means and includes discarded large and small household and industrial appliances, discarded furniture, discarded tires, discarded carpets, discarded mattresses and similar large discarded items.

"Commercial premises" means and includes all premises except residential premises. This term specifically includes, but is not limited to, any and all facilities operated by or for the benefit of city, county, special districts, school districts, state, federal (including the Naval Air Weapons Station China Lake within the Corporate limits), and other governmental entities within the city, unless exempt by law from the application of the requirements of this section to their premises. All structures on the same legal parcel which are owned by the same person shall be considered as one "commercial premises."

"Compostables" means and includes vegetable, yard and wood wastes which are not hazardous waste and any other organic wastes which are capable of controlled biological decomposition, excluding hazardous waste and any animal waste other than manure.

"Franchisee" means and includes any entity and any agents or employees thereof with whom the city has duly contracted under a franchise agreement hereinafter set out in this code to collect, transport through the streets, alleys or public ways of the city and to dispose of solid waste, yard waste and/or recyclable materials produced and discarded within the limits of the city.

"Garbage" means and includes any kitchen and table refuse, offal, swill and also every accumulation of animal and vegetable refuse, and other matter that results from or attends the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, vegetables, grains or other animal or vegetable matter, and all dead animals of less than ten pounds in weight, except those slaughtered for human consumption. It also includes bottles, glass, tin vessels, ashes and all refuse save and excepting rubbish, stable matter, yard waste, any type of hazardous waste, and recyclables which have been separated by the generator for recycling.

"Household hazardous waste" means and includes all toxic, corrosive, flammable, ignitable and reactive waste. "Household hazardous waste" also means and includes waste material that is purchased by the general public for household use which, because of their quantity, concentration, or physical, chemical, or infectious characteristics, may pose a substantial known or potential hazard to human health or the environment when improperly stored, treated, disposed of or otherwise managed.

"Household hazardous waste collector" means and includes any entity and any agents or employees thereof with whom the city has duly contracted under the terms hereinafter set out in this chapter, to collect, transport through the streets, alleys or public ways of the city and to dispose of household hazardous waste generated and/or discarded within the limits of the city.

"Litter" means garbage, refuse, and rubbish, as defined herein, and other solid waste material which, if thrown or deposited as hereinafter prohibited tends to create a danger to the public health, safety and welfare.

"Multiple-unit dwelling" means any residential premises containing four or more separate units.

"Park" means a park, reservation, playground, recreation center or other public area in the city owned, leased, or used by the city or county and devoted to active and passive recreation.

"Person" means and includes an individual, firm, corporation, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

"Premises" means and includes any land, building and/or structure, or portion thereof, in the city where solid waste, yard waste or household hazardous waste is produced, generated, or accumulated. All structures on the same legal parcel which are owned by the same person shall be considered as one premises.

"Public Place" means streets, sidewalks, boulevards, alleys, or other public right-of-ways, public parks, squares, spaces, grounds, and buildings and portions of private properties held open to the public.

"Recyclable materials" means and includes discarded solid waste having a monetary value which may be sorted, cleansed, treated, processed, and/or reconstituted, and which is segregated for the purpose of reuse or recycling, including, but not limited to, separated paper, glass, cardboard, plastic, ferrous materials or aluminum.

"Recyclables" means and includes materials having a monetary value which are capable of being recycled, reclaimed, or reused in any way.

"Refuse" means and includes all types of solid wastes, including garbage, rubbish, stable matter, recyclables which have not been separated by the generator from other solid waste for recycling, all matter and materials which are rejected by owners or generators thereof as offensive or useless and which by their presence or accumulation may injuriously affect the health, comfort or safety of the community by increasing disease or hazard by fire, and any other solid waste, but excluding any type of hazardous waste and yard waste, and body wastes.

"Residential premises" means and includes any premises used or designed for use for residential purposes, irrespective of whether residence therein is transient, temporary, or permanent. Residential premises shall not include hotels, motels, lodge house, clubs, tourist camps, recreational vehicle or trailer camps, churches, business, and industrial premises containing more than one dwelling unit or upon which any commercial or industrial occupation is conducted.

"Rubbish" means and includes all treated wood, treated wood products, printed matter, paper, pasteboard, rags, straw, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp, and other products such as are used for packaging or wrapping crockery, ashes, cinders, floor sweepings, mineral or metallic substances, earth, rock, used, demolished or discarded building materials, and other waste material not included in the definition of garbage, hazardous waste or yard waste.

"Sharps" means any needles, syringes, and lancets used for application, removal, or testing needed for medication, fluid sampling, or any other application.

"Solid waste" means and includes all putrescible and nonputrescible solid and semisolid waste, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, manure, vegetable or animal solid and semisolid

wastes, discarded recyclables which have not been separated by the generator from other solid wastes for recycling and other discarded solid and semisolid waste.

Solid waste does not include abandoned vehicles or parts thereof.

Solid waste does not include household hazardous waste, hazardous waste or low-level radio-active waste regulated under Chapter 8 (commencing with Section 114960 of Part 9) of Division 104 of the Health and Safety Code.

Solid waste does not include medical waste which is regulated pursuant to the Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code).

Solid waste does not include dewatered, treated or chemically fixed sewage sludge or any other type of processed sludge or biosolids, whether or not it is hazardous waste.

Solid waste does not include "yard waste" as defined in subsection of this section.

Solid waste does not include items which would be recyclable materials but for the fact that they are personally separated from other solid waste by the generator thereof and are donated or sold to third parties. For purposes of this chapter, no donation or sale shall be deemed to have occurred in any instance where a generator directly or indirectly pays the third party any sum (including without limit as a consulting fee, container rental or other fee or tangible consideration) either: (1) in lieu of being directly charged for collecting, transporting, processing or recycling such item, or (2) to offset the payment to the generator for the purported sale of such item to the third party. Nor shall the receipt of a discount or reduction in the disposal service rate on unsegregated solid waste containing such an item be deemed to be the donation or sale of such an item to a third party.

"Universal Service" means mandatory solid waste and yard waste collection service.

"Waste" means garbage, litter, refuse, and rubbish.

"Yard waste" means and includes all tree and shrubbery trimmings, grass, weeds, leaves, or other organic material or garden trimmings.

### **13-1.3 Deposit in Public Place and Accumulation Prohibited**

(a) No person shall throw, deposit, keep, accumulate, permit, or cause any solid waste, yard waste, except that being actively composted, or any type of hazardous waste to be thrown, deposited, kept or accumulated upon any public or private lot or parcel of land, or on any public or private place, street, lane, alley, drive, gutter, drain facilities, park, vacant lot, backyard, side yard or front yard, or to store or to keep the same, unless the same is kept, deposited, stored or allowed to accumulate as provided in this chapter.

(b) Persons placing waste or litter in public receptacles or private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon a public place.

(c) Any such deposit or accumulation of solid waste, yard waste or hazardous waste in violation of this provision shall be deemed a public nuisance, and the person owning, leasing, occupying or having charge or possession of any premises in violation of this section shall be subject to the provisions of Chapter IV Article 15.

### **13-2 Collection**

#### **13-2.1 Collection – Contract – Exclusive – Exceptions.**

(a) At such time as there is in force a contract entered into by the city with any entity (to be known as "franchisee") for the collection of solid waste and/or yard waste and/or recyclable materials, it is unlawful for any person, other than the persons in the employ of the franchisee, or its agents, having such contract, to collect, haul or transport any solid waste or yard waste or recyclable materials within the city, except as otherwise set forth in this chapter or as provided by law.

(b) Notwithstanding the above, franchisee shall not have the exclusive right to collect, haul, transport or dispose of the following types of solid waste or yard waste:

1. Garden trimmings and yard waste when removed and transported by the gardening service performing the gardening;

2. Rubbish generated by construction and demolition which is accumulated as the result of new construction, structure demolition or modification, when:

a. The building or demolition/modification contractor owns and operates the hauling equipment necessary to remove and haul the demolished construction and modification rubbish generated, or

b. The construction and demolition rubbish generated is hauled by a vehicle or trailer commonly known as an "end dump" which vehicle or trailer must have a non-detachable debris container with an open top and cannot be capable of loading itself and the driver remains with the vehicle while it is being loaded, provided further that equivalent services or equipment are not available from the contractor, or

c. The building or demolition/modification contractor disposes of construction and demolition rubbish at the county landfill servicing the City to facilitate reporting of that diversion data back to the City.

3. A building or demolition/modification contractor may not subcontract for construction and demolition rubbish hauling services except as is set forth in Section (B)(2)(b), above;

4. Solid waste or yard waste which must be removed only as incident to the infrequent clearing of a premise(s) and when a vehicle or container of no greater than five cubic yards capacity is used to remove the solid waste or yard waste;

5. Rubbish, yard waste or bulky waste created or produced by a resident or his or her household and hauled or transported by the resident of the premises, provided the same is kept, hauled or transported under a covered load and disposed of at the landfill under the rules and regulations prescribed in this chapter.

(c) This section shall not limit the collection of hauling of solid waste, yard waste or recyclables to a landfill, transfer facility or recycle facility by a private party who is the business owner, home owner, residential property owner or residential tenant. This subsection shall not waive the requirement of paying for waste collection services.

### **13-2.2 Collection – Solid Waste/Yard Waste – Owner Obligations.**

(a) Every owner of residential or commercial premises occupied by any person shall subscribe for and pay the franchisee for solid waste and yard waste collection and disposal and at such rates as may be set by franchisee and approved by resolution of the City Council from time to time.

(b) The owner of any occupied single-family residential premises shall subscribe to and pay for solid waste and yard waste collection service made available to the occupied single-family residential premises by the franchisee and shall place at a location designated by franchisee in accordance with the provisions of this chapter, a container or containers provided by franchisee, for deposit of solid waste and yard waste in accordance with the provisions of this chapter and as set forth from time to time by franchisee upon reasonable notice to generator.

(c) Nothing in this section is intended to prevent any arrangement, or the continuance of an existing arrangement under which payments for garbage collection service are made by a tenant or tenants, or any agent, on behalf of the owner. However, any such arrangement will not affect the owner's obligation as provided herein.

(d) Upon reasonable notice from franchisee, owners of single-family residential premises shall comply with such mandatory waste separation requirements, including, but not limited to, separation of solid waste, yard waste and/or recyclable materials as set forth from time to time by franchisee and as approved by the City Council.

(e) It shall be the duty of every person in possession, charge, or control of any property within the city to keep such property in a sanitary condition. For the purposes of this section, sanitary condition means all parts of such property are free and clear of any accumulation of combustible or non-combustible garbage or waste.

### **13-2.3 Collection – Solid Waste/Yard Waste – Single-Unit Residential – Frequency.**

(a) There shall be at least one solid waste (excluding uncontainerized bulky waste) and yard waste collection per week for all single-unit residential premises.

(b) Uncontainerized bulky waste shall be collected by franchisee upon the request of the generator, at the rate set by franchisee and approved by the City Council.

**13-2.4 Collection – Solid Waste/Yard Waste – Multi-Unit Residential and Commercial Premises – Frequency.**

(a) Franchisee shall collect solid waste and yard waste on such days and at such frequencies as the generator or owner and franchisee shall mutually determine, provided that collection shall be performed at least once each seven days.

(b) Upon reasonable notice from franchisee, owners of multi-family residential premises and commercial premises shall comply with such mandatory waste separation requirements, including, but not limited to, separation of solid waste, yard waste and/or recyclable materials as set forth from time to time by franchisee and as approved by the City Council.

**13-2.5 Collection – Solid Waste/Yard Waste – Fees.**

(a) Any person or business from whom solid waste or yard waste is collected under the provisions of this chapter shall pay to the franchisee, or other persons designated by the City Council to receive the same, such fee as may be set by the franchisee and approved by the City Council by resolution from time to time for said services.

(b) Multi-unit residential premises with five or more units shall be treated as commercial premises for purposes of collection service and fees.

(c) Residential premises of two, three or four units, condominium properties and mobile home parks shall have the option of receiving service and being billed as either individual subscribers with each unit having its own residential service, or as a commercial subscriber with the entire complex receiving commercial service and being billed as one commercial account. Such determination shall be made by the property owner and communicated to franchisee.

(d) A low income fee will be approved by resolution of the City Council.

(e) Payment of such fees shall be the responsibility of the property owner.

**13-2.6 Collection – Interference Prohibited.**

(a) It is unlawful for any person in any manner to interfere with the collection and/or disposal of solid waste, yard waste, recyclable materials or household hazardous waste by any person authorized by license, franchise or contract to collect and dispose of same.

(b) It is unlawful for any person other than the authorized franchisee designated by the city, or an agent or employee thereof, to remove any item from receptacle once placed for collection by the city or Franchised Hauler.

### **13-3 Solid Waste**

**13-3.1 Solid Waste, Yard Waste, Hazardous Waste – Burning.** It is unlawful for any person to burn or cause to be burned in the city any solid waste, yard waste or hazardous waste of any kind or nature.

**13-3.2 Solid Waste, Yard Waste, Hazardous Waste – Burying.** It is unlawful for any person to bury any solid waste, yard waste, except that being actively composted, or hazardous waste at any place within the city, unless otherwise provided in this chapter

### **13-2.4 Solid Waste, Yard Waste – Receptacles.**

(a) It is unlawful for any person to keep, accumulate or permit to be accumulated any waste or yard waste, except yard waste being actively composted, upon any lot or parcel of land, or on any public or private place, street, lane, alley, gutter, drain facilities, park, vacant lot, backyard, side yard or front yard, unless the same is in receptacles provided by or approved by franchisee as set forth in this chapter. Such receptacles are to be provided with close-fitting lids or covers which shall be kept closed at all times, except when necessarily opened to permit solid waste or yard waste to be taken there from or deposited therein.

(b) Every person in possession, charge or control of a residential establishment, boardinghouse, restaurant, hotel, motel, apartment, eating house, lodge hall, club, tourist camp, trailer camp, church, business, or industrial establishment or lot containing more than one dwelling unit or upon which any commercial or industrial occupation is conducted within the city shall provide, or cause to be provided, portable receptacles as determined by the city to contain the amount of waste ordinarily accumulating at such place during the intervals between collections. Such receptacle shall be designated by the city. The containers shall be filled no more than level full and shall have the lids of such portable receptacles kept closed or shall be kept covered if a lid is not available, except when depositing waste, to prevent the loss of any waste material.

(c) On the specified collection days, the receptacles shall be placed so as to be readily accessible for removal and emptying of the material contained therein as specified by the franchisee and in compliance with Section of this Municipal Code.

1. Receptacles shall be placed, as required by the Franchised Hauler, within five (5) feet of the public place on collection days and shall be readily accessible for collection.

2. Notwithstanding the provisions of this Chapter, persons storing waste in containers may request the Franchised Hauler to enter upon their residential establishment to collect such containers.



3. Waste shall be enclosed in closable retainers in such a manner so that no portion of the waste shall leak or spill out during the period of storage, prior to, or during its collection.

**13-3.4 Solid Waste Solid Waste, Yard Waste – Collection – Exclusive Right.**

(a) It is unlawful for any person other than the authorized franchisee designated by the city, or an agent or employee thereof, to collect or convey through the streets, alleys or other public thoroughfares of the city any solid waste, yard waste, recyclable materials, or any other matter offensive to the sight or smell, or collect or dispose of the same, and except as otherwise provided by law.

(b) This section shall not apply to any properly licensed and permitted Landscaping Service, Handyman Service, or Yard Cleanup Service business or individuals providing assistance to senior or incapacitated citizens. Businesses and individuals providing such service shall show proof of lawful disposition of any waste collected and disposed of under this exception.

(c) Every person who owns, and every person who occupies, any developed real property within the city, whether residential or otherwise shall make an agreement for waste collection with the city or Franchised Hauler.

(d) Every person requiring collection service pursuant to this Chapter shall apply for such service and shall agree the city shall be held harmless for any loss occasioned by such entry upon such property. Applications for service pursuant to the provisions of the Chapter shall be in the form provided by the franchisee.

**13-4 Household Hazardous Waste**

**13-4.1 Household Hazardous Waste Disposal – Owner Obligations.**

(a) Household hazardous waste disposed of within the city limits may only be disposed of at a licensed and permitted household hazardous waste collection facility.

(b) No household hazardous waste shall be included in or combined with generator's weekly solid waste or yard waste.

**13-5 Transportation of Solid Waste and Other Disposals.**

**13-5.1 Transportation.** In addition to any state or federal requirements, no solid waste, yard waste or hazardous waste of any kind or nature shall be removed and carried on or along the streets and alleys of the city by any person, including franchisee, except when the same is carried, conveyed or hauled in any truck, vehicle or trailer so constructed as to be reasonably dustproof and leak proof, and so arranged as not to permit dust, debris or other matter to sift through, leak onto or fall upon the streets and alleys. The contents of such truck, vehicle or trailer must be further protected with appropriate covers so as to prevent the same from being blown upon the streets, alleys and adjacent lands.

**13-5.2 Vehicle Maintenance.** Every truck, vehicle or trailer used by franchisee in the collection of solid waste and/or yard waste shall be kept well painted and clean inside and out.

**13-5.3 Emergency Removal.** Nothing in this chapter shall be deemed to prohibit the removal and hauling by any person other than the franchisee, materials considered by the health officer or police department to constitute a health menace of such a nature as necessary to be ordered by either of the officers to be promptly removed.

## **13-6 Service Billing**

### **13-6.1 Billing Charges to be a Lien.**

(a) All billing for waste collection shall be made by the franchisee. All charges shall become delinquent ninety days after billing date.

(b) If the bill remains unpaid after the billing due date the franchisee shall be entitled to a late charge as approved by resolution by the City Council. Franchisee shall provide notice of the late charge on the subsequent bill.

(c) The City will implement a process to collect any delinquent fees the franchisee may hold. The City shall charge an administrative fee to the franchisee for such assistance. The City, in an effort to collect these delinquent fees, may place a lien upon the residential property to which the waste collection services were provided

**13-6.2 Federal and State Law Controlling.** The provisions of this chapter shall be subject to changes made in any government contract entered into by the federal government or any state or federal law enacted concerning garbage, rubbish, solid waste, yard waste or hazardous waste disposal in and from public housing units within the city limits.

### **13-6.3 Violations.**

(a) Any person who violates or fails to comply with any of the provisions of this chapter on two or fewer occasions within one year shall be guilty of an infraction for each of the first two violations and shall be punished as provided in Chapter 1.2.101

(b) Any person who violates or fails to comply with any of the provisions of this chapter on three or more occasions within one year shall be guilty of a misdemeanor for each subsequent violation after the second violation committed within the one year period and shall be punished as provided in Chapter 1.2.103."

**NOW THEREFORE,** the City Council of the City of Ridgecrest hereby ordains as follows:

1. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption. The City Clerk shall certify to the

passage and adoption of this Ordinance and shall cause this Ordinance to be published as set forth below.

2. At least five (5) days prior to its final adoption, copies of this Ordinance shall be posted in at least three (3) prominent and public locations in the City; and a notice shall be published once in a newspaper of general circulation in the City of Ridgecrest, setting forth the title of this Ordinance, the date of its introduction and the places where this Ordinance is posted. Within fifteen (15) days following final adoption, a summary of the Ordinance with the names of the council members and votes shall be published in a newspaper of general circulation.

Introduced and first read at a meeting of the City Council of the City of Ridgecrest held the 2nd day of March , 2009.

**PASSED AND ADOPTED** at a regular meeting of said City Council held the 18th day of March, 2009 by the following roll call vote:

AYES: Mayor Morgan, Council Members Wiknich, and Taylor

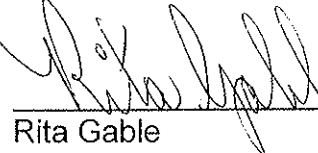
NOES: Council Members Carter and Holloway

ABSENT: None

ABSTAIN: None

  
Steven P. Morgan, Mayor

ATTEST:

  
Rita Gable  
City Clerk

